

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in light of the changes above and the arguments below.¹ By this Amendment, claims 58-64 have been cancelled and claims 1, 17, 28, 44, 48, 53 and 54 have been amended. The subject matter of claims 58-63 has been incorporated into their respective independent claims 1, 17, 28, 44, 48 and 53. Claim 54 has been amended to correct a typographical error.

Claims 1, 12, 14, 16, 17, 27, 28, 39, 41, 43, 44, 47, 48 & 51-57 are now pending. Because claims 1, 17, 28, 44, 48 and 53 merely incorporate subject matter from dependent claims, 58-64, the subject matter of the currently pending claims was previously considered and examined in the Office Action.

A. Rejections Under 35 U.S.C. § 102

Claim 52 was rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Patent No. 6,381,650 to *Peacock*. In order to properly anticipate Applicant's claim under Section 102(b), each and every element of the claim in issue must be found, either expressly described or under the principles of inherency, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (Emphasis added.) The identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Further, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). (Emphasis added.)

¹ The Office Action contains statements characterizing the claims and related art. Regardless of whether any such statements are specifically addressed herein, Applicant's silence as to these characterizations should not be construed as acceptance of them.

Applicant respectfully traverses the rejection of claim 52 because *Peacock* fails in these regards.

Peacock discloses a method for locating a server program on a workstation that is dynamically allocated an IP address. (*Peacock*, Abstract.) To locate a desired server program, a client program sends out an "Are you there?" message to the last known IP address of the desired server. (*Id.*) If the server responds, the client may directly access the server program using the last known IP address. However, if there is no response then the client program sends out a directed broadcast "Are you there?" message to the subnet where the desired server last resided. (*Id.*) If the desired server receives the directed broadcast message, the server program responds with the current IP address such that the client program can access the server. (*Id.*) If no response is received from the directed broadcast, the client program will send directed broadcast messages to other similar subnets in order to locate the server program. (*Id.*)

The Office Action appears to consider *Peacock's* computer 130 (including client program 137) and personal computer workstation 110 (including server 117) to correspond to the "client computer" and "server computer" recited in claim 52. (Office Action, pp. 2-3.) In addition, the Office Action apparently considers sending an "Are you there?" packet from computer 130 to personal computer workstation 110 to correspond to the claimed "backup search." (*Id.*) Furthermore, the Office Action seems to consider server 117's forwarding address file to correspond to the claimed "configuration record." (*Id.*)

However, *Peacock's* forwarding address file is used by server program 117 of personal computer workstation 110 to look a for hostname in response to a "Are you there?" packet from client program 137 of computer 130. (*Peacock*, col. 7, ll. 39-49; FIG. 6b, s. 680.) The forwarding address file is stored in personal computer workstation 110. (*Id.* at col.

7, ll. 18-28.) Accordingly, the forwarding address file cannot be considered “a configuration record” of client 137 or computer 130. *Peacock*, therefore, cannot be considered to disclose a “backup search procedure including searching a configuration record of the client computer system for the network address of the server computer,” as recited in claim 52. (Emphasis added.)

Because *Peacock* does not disclose the above-noted feature of claim 52, the patent cannot be considered to anticipate claim 52 under § 102(b). Furthermore, for the same reasons set forth above, the elements disclosed by *Peacock* are not arranged as required by claim 52. The rejection of claim 52 under § 102(b) is, therefore, improper. Consequently, Applicant respectfully requests that the rejection under § 102 be withdrawn and claim 52 allowed.

B. Rejections Under 35 U.S.C. § 103

1. Claims 1, 12, 17, 28, 39, 44 and 48

As noted above, claim 1 incorporates the subject matter of cancelled claim 58. To the extent that the rejection of claim 58 applies to claim 1, Applicant traverses the rejection of claim 1 under 35 U.S.C. §103(a) as allegedly not being patentable over *Peacock* in view of U.S. Patent Publication No. 2006/0168445 to *Pitsos*. The purported combination of *Peacock* and *Pitsos* cannot support a rejection of claim 1 under § 103(a) because the references do not establish, *inter alia*, that all the elements recited in the Applicant's claims were known in the prior art. (See *KSR International Co. v. Teleflex Inc.*, 550 U.S., No. 04-1350 (U.S., April 30, 2007), 82 USPQ2d 1385, 1395 (2007); M.P.E.P. § 2143.02.)

Claim 1 recites, *inter alia*, “searching for a network address of a server computer using a backup search procedure ... wherein: [a] public key is an identifier of the server

computer, the public key identifies a plurality of server computers having different network addresses, and the backup search procedure searches for the server computer using the public key to identify the server computer.” The Office Action alleges that *Peacock* discloses the claimed “public key [being] an identifier of the server computer,” as was recited in claim 58. (Office Action, p. 10, § 17.)

Contrary to the assertions in the Office Action, the cited portions of *Peacock* say nothing with regard to a “public key.”² (Office Action, p. 10, § 17.) Moreover, *Peacock* says nothing with regard to “a public key [that] identifies a plurality of server computers having different network addresses,” as was recited in claim 58. (Emphasis added.) Accordingly, *Peacock* cannot be considered to disclose or suggest this feature of claim 1.

Pitsos also does not disclose “a public key identif[ying] a plurality of server computers having different network addresses” either, and the Office Action does not assert that *Pitsos* makes any such disclosure or suggestion. Indeed, the Office Action simply relies on *Pitsos* for its disclosure of determining an internal network address of the internal device 13 based on the public key information. (Office Action, p. 5.) Accordingly, *Pitsos* does not overcome *Peacock*’s deficiencies.

Because both *Peacock* and *Pitsos* fail to disclose or suggest the above-identified feature of claim 1, the purported combination of *Peacock* and *Pitsos* do not establish that “searching for a network address of a server computer using a backup search procedure ... wherein: [a] public key is an identifier of the server computer, the public key identifies a plurality of server computers having different network addresses, and the backup search procedure searches for the server computer using the public key to identify the server

² Specifically, the Office Action states “*Peacock* further teaches wherein the public key identifies a plurality of server computers having different network addresses (different IP addresses from the previous IP address “If the current IP address is from a different network or subnet than the previous IP address, then the server program sends a directed broadcast

computer” was known in the prior art at the time of the invention. Accordingly, the Office Action does not a *prima facie* case for rejecting claim 1 under § 103. Applicant, therefore, respectfully requests that the Examiner withdraw the rejection of claim 1 and allow the claim.

Independent claims 17, 28, 44 and 48, although of different scope than claim 1, recite subject matter similar to that recited in claim 1. Accordingly, claims 17, 28, 44, and 48 are allowable over the purported combination of *Peacock* and *Pitsos* for the same reasons set forth above with regard to claim 1. Dependent claims 12 and 39 are also allowable over purported combination of *Peacock* and *Pitsos* at least due to their respective dependence from claims 1 and 28.

2. Claim 53

Claim 53 depends from claim 52. Claim 52 is allowable for the reasons set forth above. Accordingly, claim 53 is allowable at least due to its dependence from claim 52.

3. Claim 54

The Office Action concedes that *Peacock* does not disclose or suggest a “backup search procedure searching an authentication record for the network address of the server computer,” as recited in claim 54. *Pitsos* fails to cure this deficiency.

The Office Action cites paragraph 0043 of *Pitsos* for allegedly disclosing the above-noted feature of claim 54. Specifically, the Office Action quotes *Pitsos*’ disclosure of “[A] cryptographic unit 26 performs any required encryption, decryption, signature, signature verification or authentication process.” (Office Action, p. 10.) However, neither paragraph 0043 nor any other part of *Pitsos* says anything about “searching an authentication record for the network address of the server computer,” as recited in claim 54. If the Examiner

“forwarding address” packet to the subnet of the previous IP address at step 620” see *Peacock*: col. 6, lines 63 – col. 7 lines 1-6.”

disagrees, Applicant respectfully request that the Examiner particularly point out where this feature is allegedly disclosed in *Pitsos* and explain how the portion is considered to teach the claimed feature.

Since *Peacock* and *Pitsos* do not disclose or suggest the above-noted feature of claim 54, the purported combination do not establish a *prima facie* case for rejection of claim 54 under § 103. Applicant, therefore, respectfully requests that the rejection of claim 54 be withdrawn and the claim allowed.

4. Claims 14, 16, 27, 41, 43, 47 and 51

Applicant respectfully traverses the rejection of claims 14, 16, 27, 41, 43, 47 and 51 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Peacock* in view of *Pitsos* and in further view of U.S. Patent No. 6,014,660 to *Lim et al.* ("*Lim*"). As detailed above with regard to claim 1, *Peacock* and *Pitsos* do not disclose or suggest, "searching for a network address of a server computer using a backup search procedure ... wherein: [a] public key is an identifier of the server computer, the public key identifies a plurality of server computers having different network addresses, and the backup search procedure searches for the server computer using the public key to identify the server computer." Similar features are recited in independent claims 17, 28, 44, and 48. Accordingly, *Peacock* and *Pitsos* also fail to disclose the same features of claims 14, 16, 27, 41, 43, 47 and 51, due to their corresponding dependence from claims 1, 17, 28, 44, and 48.

Lim discloses a system for performing DNS translations including, *inter alia*, a DNS server system 102, a client system 202, and a special DNS server system 302. (*Lim*, Abstract; Fig. 1.) *Lim* does not disclose the above-noted features of claims 1, 17, 28, 44, and 48 and the Office Action does not rely on *Lim* for any such disclosure or suggestion.

Since *Peacock*, *Pitsos* and *Lim* all fail to disclose or suggest the above-noted feature of claims 1, 17, 28, 44, and 48, the purported combination of references cannot support a rejection of 14, 16, 27, 41, 43, 47 and 51 under § 103. Claims 14, 16, 27, 41, 43, 47 and 51 are, therefore, allowable over the purported combination of *Peacock*, *Pitsos* and *Lim*.

5. Claims 55 and 56

Claims 55 and 56 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Peacock* in view of U.S. Patent Publication No. 2003/0182433 to *Kulkarni et al.* ("*Kulkarni*"). Applicant respectfully disagrees. Claim 55 recites, *inter alia*, a “backup search determining whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of [a] server computer” The Office Action concedes that *Peacock* does not disclose or suggest this feature and looks to *Kulkarni* to overcome *Peacock*'s failings.

Kulkarni discloses a system for processing a registration request from a mobile node 402 with a foreign agent 404. The Office Action cites paragraph 0042 of *Kulkarni* for its disclosure of a “loopback address.” (Office Action, p. 14.) According to paragraph 0042, when foreign agent 404 receives the registration request, the agent forwards the request to a virtual home agent address. The registration request specifies the IP source address as the IP address of the foreign agent 404 and the destination IP address as the virtual home agent address. (*Id.*) The home agent address may be implemented in a variety of ways, such as through the use of a loopback address.

The Office Action apparently interprets *Kulkarni* as disclosing the use of a loopback address to determine the address of a server. (Office Action, p. 14.) Even if this interpretation was correct, which Applicant does not concede, the mere disclosure of a loopback address cannot be considered to teach or suggest “determining whether the server

computer is running on a CPU that is the same CPU on which the client computer is running, as recited in claim 55.

As such, *Kulkarni*, when taken alone or in combination with *Peacock*, cannot be considered to disclose the above-noted feature of Applicant's claim 55. Thus, the purported combination of *Peacock* and *Kulkarni* cannot support a rejection of claim 55 under § 103. Applicant, therefore, respectfully requests that the rejection of claim 55 be withdrawn and the claim allowed. Claim 56 is allowable at least due to its dependence from claim 55.

6. Claim 57

Claim 57 was rejected under 35 U.S.C. §103(a) as allegedly not being patentable over *Peacock* in view of *Kulkarni* in view of U.S. Patent No. 5,434,914 to *Fraser*. Claim 57 depends from claim 55 and, therefore, includes all the limitations of claim 55. *Peacock* and *Kulkarni* do not support a rejection of claim 55 for the reasons above. Accordingly, these references also do not support a rejection of claim 57 for the same reasons.

Fraser is relied on for its purported disclosure of "sending out an inter process to [a] CPU." (Office Action, p. 15, § 36.) *Fraser* does not disclose or suggest "backup search determining whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of [a] server computer," as recited claim 55. The Office Action does not assert that *Fraser* makes any such disclosure or suggestion. Accordingly, the purported combination of *Peacock*, *Kulkarni* and *Fraser* fails to disclose or suggest the claimed "backup search procedure" of claim 57. Thus, claim 57 is also allowable.

Conclusion

For at least the foregoing reasons, reconsideration and withdrawal of the rejections of the pending claims, and allowance of this application is respectfully requested.

Respectfully submitted,

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